

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

R. ALEXANDER ACOSTA, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT OF
LABOR,

the Secretary,
v.

AAA BUFFET, INC., a corporation d/b/a AAA
BUFFET; AAA KING BUFFET, INC. d/b/a
AAA BUFFET a corporation; XING SHI
YONG, an individual; YOU ZHU TENG, an
individual; XING SHI LU, an individual; and
HAI YAN LIN, an individual,
Defendants

Case No. 16-05360

**STIPULATED MOTION AND ORDER
VACATING THE TRIAL DATE AND
STAYING PROCEEDINGS**

By this Court's order (Dkt. 34, filed 12/07/2016), trial is set to begin on February 20, 2018. Based on this date, and the Court's order granting the parties' motion to move deadlines, a number of filings and exchanges are due to take place between January 22, 2018 and February 12, 2018. Dkts. 34, 59.

However, the parties have reached a resolution to this matter in principle. As the parties intend to submit a proposed Consent Judgment to this Court memorializing that resolution, the parties respectfully request that the Court vacate the trial date and other associated deadlines. The parties further request that the Court stay this proceeding for 30 days to permit the parties to submit a Consent Judgment to the Court.

1 For those deadlines set by LR 16, “[t]he court may, by order in a specific case, modify or
2 forego any of the procedures or deadlines set forth in this rule.” LR 16(m)(2). For other aspects of
3 the scheduling order, the dates “may be modified only for good cause and with the judge’s
4 consent.” Fed. R. Civ. P. 16(b)(4). “Rule 16(b)’s ‘good cause’ standard primarily considers the
5 diligence of the party seeking the amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975
6 F.2d 604, 609 (9th Cir. 1992).

7 Here, the parties have worked diligently to resolve the matter. The parties had productive
8 settlement discussions in advance of their scheduled mediation with Judge Creatura and were
9 able to come to an agreement on key terms. Through their efforts, the parties avoided consuming
10 Judge Creatura’s time in mediation by resolving the matter themselves. The details of the
11 resolution must still be reduced to writing and various logistical and practical concerns remain to
12 be addressed.

13 Accordingly, the parties seek an Order from this Court vacating the trial and associated
14 schedules in Dkts. 34 and 59 and staying this matter for 30 days to permit the parties to submit a
15 Consent Judgment to the Court.

16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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1 Dated this 11th day of January, 2018.

2 NICHOLAS C. GEALE
Acting Solicitor of Labor

DOUGLAS GILL JR. & ASSOCIATES,
PLLC

3 JANET M. HEROLD
4 Regional Solicitor

By: s/ Douglas Gill
DOUGLAS GILL, JR.
207 Broadway #500
Tacoma, WA 98402
Telephone: (253) 691-0197
Fax: (253) 444-9000

5 BRUCE L. BROWN
Associate Regional Solicitor

Email: doug@dgandassociates.com

6 JOSHUA P. FALK
7 Senior Trial Attorney

Attorney for Defendants AAA Buffet, Inc.
et.al

8 By: s/ Jeremiah Miller
JEREMIAH MILLER

9 Senior Trial Attorney
U.S. Department of Labor
10 300 Fifth Ave, Suite 1120
Seattle, WA 98104

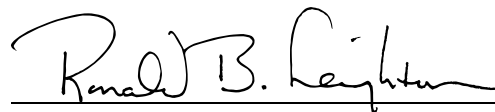
11 Telephone: (206) 757-6759
12 Fax: (206) 757-6761

E-mail: miller.jeremiah@dol.gov

Attorneys for Plaintiff Secretary of Labor

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 DATED this 16th day of January, 2018.

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19 Ronald B. Leighton
20 United States District Judge
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